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SUBJECT: CANADIAN INVESTIGATION OF BRAD WILL CASE  
BUTTRESSES PGR CRIME THEORY

¶1. (SBU) Summary: Three Canadian investigators, one forensic pathologist and two retired Royal Canadian Mounted Police Sergeants, traveled to Mexico from July 7-20, 2009 to review the circumstances surrounding the homicide of Bradley Will and the subsequent PGR investigation. The investigation focused on the forensic work carried out by PGR,s Bureau of Expert Services. The team of Canadian investigators visited the crime scene and analyzed photographs, video, diagrams, autopsy reports, witness statements, and the bullets that killed Mr. Will. They also reviewed the final reports from PGR, Physicians for Human Rights (PHR), and CNDH. The team found that the physical evidence points to a scenario in which two shots fired at relatively close range were responsible for Will's death. End Summary.

¶2. (SBU) The team described the initial investigation conducted by the State of Oaxaca Attorney General's Office as flawed. State investigators did not control the crime scene, likely lost valuable evidence, and failed to interview key eyewitnesses. While lamenting the loss of such significant information, the Canadian team also recognized that the city of Oaxaca was under siege at the time and that access to the crime scene may have been impossible. The team also described the autopsy as flawed and conducted in a manner "likely to damage rather than preserve evidence." In contrast, the team described the investigation conducted by PGR,s Expert Services Office as completed in a "technically proficient manner with considerable care to accuracy and completeness."

¶3. (SBU) The team's report found the following:  
Both bullets that struck Mr. Will were fired from the same gun;  
The first bullet that struck Mr. Will did not ricochet off any other surface. Instead, the Canadian investigators concluded that the hammer, chisel, and forceps that the forensic technicians used to remove the bullet from Mr. Will's spinal column most likely damaged the bullet. This finding contradicted the PHR report which stated the bullet had ricocheted off a large red truck present during the protest;

The investigators believe that the most logical and best supported explanation for the second shot into Mr. Will's right side is that it occurred while he was carried away in a supine position. This scenario makes the most sense to the investigators, as it accords with video clips that display Mr. Will's shirt pulled up in a position that corresponds with the holes associated with his injury;

Inasmuch as the investigators believe that the second shot occurred as Mr. Will was carried away, they were

inclined to accept the theory that the initial shot was fired from a relatively close range. In this way, the gunman would have had time to reach Will to deliver the second shot seconds later;

The CNDH's analysis of the audio tape, which indicated the shots were fired from a greater distance, was inherently flawed because it failed to take into account the speed of sound;

Pictures show Mr. Will filming with his left shoulder forward. This fact, combined with the angle of the entry wounds, indicate that the individual who fired the first shot was most likely standing in front of Mr. Will and to his right. The team also observed that a man wearing a black bandanna as a mask looked at Mr. Will and then nodded to someone to the right of Mr. Will immediately before he was shot. This man has never been found;

Calculations that take into account the camera angle, as well as the dimensions of the street and fixed physical objects, indicate that the maximum distance the shooter could have been standing from Mr. Will is 12.2 meters (or approximately 40 feet). Since there was no gun shot residue, the shooter also must have been at least .7 meters (approximately 2.2 feet) away from Mr. Will;

Municipal Police Officers indicated in several depositions that they were in the area where Mr. Will was killed responding to complaints of a gunfight between residents and members of APPO. The police officers stated that they heard sounds of gunfire and fired their guns in the air in an effort to disperse the crowd. No individuals identifiable as police were observed on video clips taken near the time of Mr. Will's death within the range specified

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above. The bullets that killed Mr. Will did not come from any of the municipal police weapons turned over by the State of Oaxaca Attorney General's Office;

APPO members, their supporters, and some journalists were observed within the ranges specified above. Of 10 journalists present at the scene when Will was shot and killed, five say that APPO had told them to stop filming. APPO members ordered the journalists to cease filming as they were discharging their weapons and throwing stones. Three independent witnesses overheard APPO members telling journalists to stop filming; one witness claimed he was threatened by APPO that he would be in danger if he spoke to police about what he had observed;

Based on its observations, the Canadian RMCP veterans concluded that APPO members had 1) a motive for killing Mr. Will in view of the fact that he was filming events (APPO members shooting guns, throwing Molotov cocktails and rocks) that they did not want recorded; 2) opportunity in that the shots were fired from a close range within which APPO members were located; and 3) means in that at least two individuals apparently associated with APPO were firing handguns close to Mr. Will. The team does not attempt to address the guilt or innocence of Juan Manuel Martinez, the individual arrested under suspicion for Mr. Will's death.

14. (SBU) Comment: The Canadian team's findings buttress PGR's contention that its own forensics point to APPO demonstrators. However, they do not identify any particular individual perpetrator, or clinch the government's case against Martinez. Martinez remains incarcerated in Oaxaca pending the outcome of proceedings against him by a state judge, and enjoys the continued support of the human rights community, which believes he is being framed by the GOM. End Comment.

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